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Attorney for Defendants  
Municipality of Anchorage  
Andrew Cottle  
Gregory Witte  
Kenneth McCoy

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

PATRICK L. SHORTY

Plaintiff,

vs.

MUNICIPALITY OF ANCHORAGE, OFFICER )  
ANDREW COTTLE, INDIVIDUALLY AND IN )  
HIS CAPACITY AS AN ANCHORAGE POLICE )  
OFFICER, OFFICER WITTE, INDIVIDUALLY )  
AND IN HIS CAPACITY AS AN ANCHORAGE )  
POLICE OFFICER, KENNETH D. MCCOY, )  
INDIVIDUALLY AND IN HIS CAPACITY AS )  
AN ANCHORAGE POLICE OFFICER )

Defendants. )

Case No. 3:05-cv-00237-TMB

**AFFIDAVIT OF COUNSEL ELIZABETH D. FRIEDMAN**  
**IN SUPPORT OF DEFENDANTS'**  
**MOTION FOR EXTENSION OF TIME**  
**TO FILE DISPOSITIVE MOTIONS**

Elizabeth D. Friedman being duly sworn upon oath deposes and states as follows:

1. I am an attorney licensed to practice in State of Alaska and admitted in the Ninth Circuit. I am employed as an assistant municipal attorney in the Municipality of Anchorage Department of Law Civil Division and have been assigned to represent the Municipality and Anchorage Police Officers Andrew Cottle, Gregory Witte and Kenneth D. McCoy in this matter.

2. I have been tracking the scheduling of the criminal trial of Patrick Shorty in case number 3AN 03-07796 CR. I have reviewed the recent pleadings in the case and have spoken to the assistant district attorney, Erin White, regarding scheduling of the trial.

3. Based on my research into the docket, the criminal trial has been postponed on a number of occasions. According to my conversation of October 26<sup>th</sup> with assistant District Attorney White, the trial has been rescheduled for November 13, 2006. Ms. White estimated that the trial would take three to four weeks.

4. Based on my review of the docket, in addition to the underlying charges of first degree sexual assault, Mr. Shorty is charged with misdemeanor counts stemming from his arrest: Resisting Arrest (AS 11.56.700(A)(1)) and Making a False Police Report (AS 11.56.800(A)(1)).

5. It is my knowledge and belief that the Police Officers who are defendants in this civil case are witnesses in the criminal trial.

6. I have reviewed the police reports and motion practice in the criminal case concerning citizen witnesses who witnessed the events underlying Mr. Shorty's

complaint in the present matter, and it is my understanding that these individuals are listed as witnesses in the upcoming criminal trial.

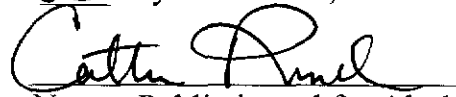
7. Due to the nature of the charges against Mr. Shorty, it is my opinion that the testimony in the criminal case will be relevant for motions on summary judgment.

Further affiant sayeth naught.

Dated this 26<sup>th</sup> day of October 2006

  
Elizabeth D. Friedman

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of October, 2006.

  
Notary Public in and for Alaska  
My commission expires: 1/13/07

The undersigned hereby certifies that on 10/26/06 a true and correct copy of the *Affidavit of Counsel* Elizabeth D. Friedman was served on:

Patrick L. Shorty,  
c/o 425 G St. Ste 600,  
Anchorage, Alaska 99501

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell  
Cathi Russell, Legal Secretary  
Municipal Attorney's Office

